

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3166 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

( No. 1 to 5 NO )

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D N NASHIKKAR

Versus

STATE OF GUJARAT

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Appearance:

MR NALIN K THAKKER for Petitioner

Mr. L.R. Pujari, Ld. Govt. counsel for Respondent No.1, 2

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 05/11/98

ORAL JUDGEMENT

The Petitioner has retired since long. The grievance in the petition was to the effect that, he was not allowed to cross the Efficiency Bar, which had resulted in to a great financial loss.

When this matter filed in the year 1986 comes up before me for the final hearing, it is not in dispute

that, at a later juncture the petitioner has been allowed to cross the Efficiency Bar on two occasions with effect from the date on which he was entitled to cross the Efficiency Bar. Therefore, now, it appears that the main grievance of the petitioner stands redressed.

Any how, Ld. counsel Mr. Thakkar for the petitioner urges that because of the conduct and attitude of the respondents the petitioner was prevented from crossing the Efficiency Bar, and that, it delayed his entitlement to the higher scale and though, now he has been permitted to cross the Efficiency Bar from the relevant dates and the amounts have been paid, he has suffered heavy loss on the count of interest.

Ld. counsel for the petitioner places reliance upon certain case law with a view to buttress his contention. Any how it cannot be disputed that the petitioner shall be entitled to the interest because of the above said position. Especially when the petitioner had to suffer the loss not for any reason or consequences created by him, he would be entitled to the interest on the delayed payment.

The petition therefore requires to be allowed on this narrow aspect alone. I order accordingly. Petition stands allowed to the above said aspect of the matter.

The respondents or the concerned respondent shall calculate the interest amount which becomes payable to the petitioner at the rate of 12 % per annum, and shall make the payment as early as possible and at any rate within a period of eight weeks from the date of receipt of the writ of the present orders.

The above said calculation of the interest amount have to be made for the period from November 1st, 1978 to October 30th, 1986. The delayed payment, accordingly to the petitioner's counsel is in sum of Rs.13,351-00. The respondents shall verify this figure and shall calculate the interest as per the above said directions. Rule is made absolute accordingly. No order as to cost.

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